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In re Application of  
Edward W. Holland et al.  
Application No. 08/992,504  
Filed: December 17, 1997  
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 25, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 20, 2000, which set a shortened statutory period for reply of three (3) months. One month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on May 21, 2000.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$435 (three month) extension of time submitted on August 25, 2000 was subsequent to the maximum extendable period for reply, petitioner may request a refund. On June 26, 2000, the office received \$165. The office has applied \$55 toward (one month) extension of time, therefore; the petitioner may request an additional \$110 refund from this transaction. The petitioner may request a total refund of \$545 by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center 3600.



Irvin Dingle

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy